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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91176791
Party	Plaintiff UMG RECORDINGS, INC.
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Date	03/02/2009
Attachments	91176791 - STIPULATION FOR INTRODUCING EVIDENCE AT TRIAL (2147117).PDF (5 pages)(182571 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Application Serial No. 78/751,105
Published for Opposition in the OFFICIAL GAZETTE on December 12, 2006

UMG RECORDINGS, INC.

Opposition No.: 91176791

Opposer

v.

MATTEL, INC.,

Applicant

STIPULATION FOR INTRODUCTION OF EVIDENCE AT TRIAL

Pursuant to Trademark Rule of Practice 2.123(b) and T.B.M.P. 705, the parties, through their undersigned counsel, stipulate to submission of testimony and evidence at trial as follows:

(1) Testimony may be introduced by sworn declaration in lieu of live deposition, subject to the right of the party against whom the evidence is introduced to object to such evidence on any applicable ground, including but not limited to competency, relevance, and materiality, and further subject to the parties' right to cross-examine declarants by live deposition;

(2) The party offering testimony by declaration shall use best efforts to procure said declarant for live deposition if the other party so requests; and

(3) Evidence filed by Opposer in the Opposition captioned UMG Recordings, Inc. v. O'Rourke, No. 91178937, may be submitted as evidence in this proceeding, subject to Applicant's right to object to such evidence on any applicable ground, including but not limited to competency, relevance, and materiality.

Respectfully submitted,

Date: February 25, 2009


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Date: February 25, 2009

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CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being transmitted electronically through ESTTA pursuant to 37 C.F.R. §2.195(a) on ~~February~~ March 2, 2009.

Kimberly Stewart
Kimberly Stewart

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is Mitchell Silberberg & Knupp LLP, 11377 West Olympic Boulevard, Los Angeles, California 90064-1683.

On February 2, 2009, I served a copy of the foregoing document(s) described as **STIPULATION FOR INTRODUCTION OF EVIDENCE AT TRIAL** on the interested parties in this action at their last known address as set forth below by taking the action described below:

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- ☒ **BY MAIL:** I placed the above-mentioned document(s) in sealed envelope(s) addressed as set forth above, and deposited each envelope in the mail at Los Angeles, California. Each envelope was mailed with postage thereon fully prepaid.
- ☐ **BY OVERNIGHT MAIL:** I placed the above-mentioned document(s) in sealed envelope(s) designated by the carrier, with delivery fees provided for, and addressed as set forth above, and deposited the above-described document(s) with in the ordinary course of business, by depositing the document(s) in a facility regularly maintained by the carrier or delivering the document(s) to an authorized driver for the carrier.
- ☐ **BY PERSONAL DELIVERY:** I placed the above-mentioned document(s) in sealed envelope(s), and caused personal delivery by of the document(s) listed above to the person(s) at the address(es) set forth above.
- ☐ **BY PLACING FOR COLLECTION AND MAILING:** I placed the above-mentioned document(s) in sealed envelope(s) addressed as set forth above, and placed the envelope(s) for collection and mailing following ordinary business practices. I am readily familiar with the firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage

thereon fully prepaid at 11377 West Olympic Boulevard, Los Angeles, California 90064-1683 in the ordinary course of business.

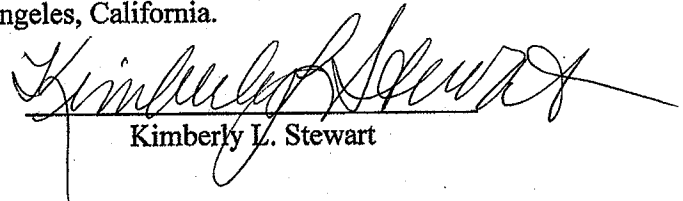
☐ **BY ELECTRONIC MAIL:** I served the above-mentioned document electronically at _____.m. on the parties listed at the email addresses above and, to the best of my knowledge, the transmission was complete and without error in that I did not receive an electronic notification to the contrary.

☐ **BY FAX:** On _____, at _____ am/pm, from facsimile number (310) _____, before placing the above-described document(s) in sealed envelope(s) addressed as set forth above, I sent a copy of the above-described document(s) to each of the individuals set forth above at the facsimile numbers listed above. The transmission was reported as complete and without error. The transmission report was properly issued by the transmitting facsimile machine, and a copy of that report is attached hereto.

I declare that I am employed in the office of a member of the State Bar of California and various federal bars, at whose direction such service was made.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on ~~February~~ ^{March} 2, 2009, at Los Angeles, California.


Kimberly L. Stewart